

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

MARK NIX,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos.: 3:17-CV-214-TAV-DCP
	)	3:15-CR-36-TAV-DCP-1
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**JUDGMENT ORDER**

For the reasons set forth in the accompanying opinion, it is hereby **ORDERED** and **ADJUDGED** that Petitioner's § 2255 motion [Case No. 3:17-CV-214, Doc. 1; Case No. 3:15-CR-36, Doc. 93] is **DENIED**, and this civil action is **DISMISSED** with prejudice.

Should petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Additionally, the Court has reviewed this case in accordance with Rule 24 of the Federal Rules of Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by petitioner for leave to proceed in forma pauperis on appeal is **DENIED**. *See* Fed. R. App. P. 24.

The Clerk is **DIRECTED** to **CLOSE** civil case number 3:17-cv-214.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

LeAnna R. Wilson  
CLERK OF COURT